

EXHIBIT B

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

| | | |
|-----------------------|---|------------------------------|
| ePLUS, INC., |) | |
| |) | |
| |) | Civil Action No. 3:09-cv-620 |
| Plaintiff, |) | |
| |) | |
| v. |) | |
| |) | |
| LAWSON SOFTWARE, INC. |) | |
| |) | |
| |) | |
| Defendant. |) | |

**DEFENDANT LAWSON SOFTWARE, INC.'S
INITIAL STATEMENT OF INVALIDITY DEFENSES**

Defendant Lawson Software, Inc. ("Lawson"), by counsel and in accordance with Section V(J)(3) of Pretrial Schedule A to the Court's Scheduling Order (Dkt. 121-2), hereby submits its initial statement of invalidity defenses. Lawson is asserting the following prior art references:

- Lawson software that was available prior to August 10, 1994
 - L0011698 – L0011760, L001761–L0011848, L001849–L0012144, L0012492–L012517, L0012554–L0012599, L0012800–L0012836, L0012837–L0013145, L0013146–L0013295, L0013572–L0013711, L0014416–L0014532, L0015615–L0016422, L0017726–L0017890, L0017891–L0018119;
- The Fisher Scientific Requisition and Inventory Management System ("the Fisher RIMS system");
 - ePLUS0137677–ePLUS0137718;
- U.S. Patent No. 5,319,542
 - ePLUS0130297–ePLUS0130307;
- U.S. Patent No. 5,694,551
 - ePLUS0137969–ePLUS0138005;

- P.O. Writer Plue V.10 ("the P.O. Writer system")
 - L0126149–L0126395, L0126396–L0126402, L0126403–L0126422, L0126423–L0126481, L0126482–L0126500, L0126501–L0126513, L0126515–L0126701, L0126702–L0126717, L0126718–L0126964, L0126965–L0126980, L0126981–L0126999, L0127000–L0127019, L0127020–L0127102, L0127103–L0127137, L0127138–L0127227, L0127228 – L0127255, L0127256–L0127296, L0127297–L0127504, L0127506–L0127601;
- The SABRE system
 - L0125223–L0125723, L0125725–L0126046, L0126048–L0126103, L0126106–L0126146;
- The J-CON system
 - L0123413–L0124584, L0124586–L0125034, L0125036 – L0125221;
- The Gateway 2000/MRO Version ("the Gateway system")
 - L0127603–L0127886, L0127887–L0128208, L0128209–L0128209, L0128358–L0128361, L0128363– 0128366, L0128368–L0128395;
- The IBM Technical Viewer/2 ("IBM TV/2") system
 - L0132122–L0132130, L0132131–L0132134

The listed Bates numbers are intended to be an exemplary, but not an exhaustive, list of documents describing the asserted prior art.

Attached hereto as Exhibit 1 is a claim chart explaining how the listed prior art invalidates the patent claims currently asserted by Plaintiff ePlus, Inc. The citations to specific Bates numbers in the claim charts are intended to be an exemplary, but not an exhaustive, list of where the specific limitations are found in the asserted prior art.

| '683 Patent Claim Element | Invalidity Contentions |
|---|--|
| | <p>U.S. Patent No. 5,319,542 discloses a user searching for items in the private or public catalogs. Fig. 3 & col. 5:42-45 (ePLUS0130300 & ePLUS130304).</p> <p>U.S. Patent No. 5,694,551 discloses searching for items by product group or keyword. Fig. 13 & col. 5:26-27 (ePLUS0137982 & ePLUS0138002).</p> <p>The P.O. Writer Manual enabled a user could search for matching items among selected product catalogs by entering search criteria, including item number, item description, and commodity code, that at least partially describes a desired item. (L0127525).</p> <p>The SABRE system enabled a user to search for items using various criteria. (L0125267, L0125276, L0125283 & L0125287).</p> <p>The J-CON system included a search program for matching items in a database in response to the descriptive information entered by the user. (L0123472).</p> <p>The Gateway system enabled a user to search and select items once a catalog was selected. (L0127661).</p> <p>The IBM TV/2 system searched for items using specific criteria, such as keywords or part numbers. (L0132133).</p> |
| means for building a requisition using data relating to selected matching items and their associated source(s); | <p><u>35 U.S.C. § 101</u></p> <p>This means-plus-function limitation does not impose any meaningful machine limitations as the specification does not disclose any physical structure corresponding to this limitation.</p> <p><u>35 U.S.C. § 112 ¶ 2</u></p> <p>The phrase "selected matching items" is indefinite. The limitation lacks an indication as to what "selected matching items" are or how and when matching items are selected.</p> |

| '683 Patent Claim Element | Invalidity Contentions |
|---|---|
| | <p><u>35 U.S.C. § 102/§ 103</u> Version 6.0 of the Lawson's Requisition Module enabled users to create a requisition from a standard order. (L0009741). An order could be created from items retrieved from the database by item number. (L0013226, L0015719-22).</p> <p>The Fisher RIMS system created requisitions based on product information from multiple sources. U.S. Pat. No. 5,712,989 at cols. 8:25-9:15 (ePLUS0137694-95).</p> <p>U.S. Patent No. 5,694,551 discloses building a requisition from the selected items. Fig. 7, Fig. 13 & col. 5:49-65 (ePLUS0137976, ePLUS0137982 & ePLUS0138002).</p> <p>The P.O. Writer system enabled items from the catalog screen to be selected for requisition by pressing F7. (L0126948).</p> <p>The SABRE system enabled a user to select flights and other items to complete an itinerary and then transfer the information to a requisition (PNR). (L0125235-45).</p> <p>The J-CON system enabled a user to select items to add to a requisition (ticket). (L0123606).</p> <p>The Gateway system enabled a user to select items to add to a requisition. (L0127659 & L0127675).</p> |
| means for processing the requisition to generate one or more purchase orders for the selected matching items; and | <p><u>35 U.S.C. § 101</u> This means-plus-function limitation does not impose any meaningful machine limitations as the specification does not disclose any physical structure corresponding to this limitation.</p> <p><u>35 U.S.C. § 112 ¶ 2</u> The specification of the '683 patent fails to comply with 35 U.S.C. § 112 ¶ 2 and ¶ 6 by failing to sufficiently describe structure corresponding to this limitation, or provide a clear link to any</p> |